

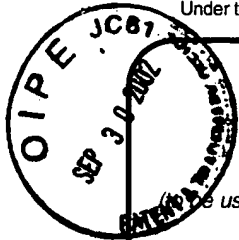
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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Application Number	09/185,070		
	Filing Date	November 3, 1998	
	First Named Inventor	Tal Meirzon	
	Group Art Unit	2749	
	Examiner Name	L. Le	
Total Number of Pages in This Submission		Attorney Docket Number	003955.00071

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Additional Sheet 1 of 1 to Petition to Revive Continued Prosecution Application
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Susan A. Wolfe Reg. No. 33,568
Signature	
Date	September 30, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>			
Typed or printed name			
Signature		Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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OFFICE OF PETITIONS

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
003955.00071

First named inventor: TAL MEIRZON

Application No.: 09/185,070

Group Art Unit: 2749

Filed: November 3, 1998

Examiner: L. Le

Title: SWITCHING VSAT TRANSMITTER

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$840.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$_____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (Identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee of \$_____

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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-----2-4- SET ON -- -- NO.195

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(II)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

September 23, 2002

Date

Tal M.

Signature

Telephone

Number: (03) 925-2000

TAL MEIRZON

Typed or printed name

GILAT SATELLITE NETWORKS LTD.

Address

Petah Tikva 49130, Israel

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other : _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

Date

Signature

Typed or printed name of person signing certificate

1. As a result of research into Gilat's patent portfolio in the Spring of 2002, Gilat Satellite Networks, Inc ("Gilat") management and engineering teams discovered that the instant application appeared to have been abandoned.
2. At the time of the apparent abandonment of the application, Dr. Mark Friedman Ltd. was handling the prosecution of the case from Israel. Dr. Rosenthal of Dr. Mark Friedman Ltd. forwarded an Advisory Action dated May 17, 2001 to Mr. Amos Meltzer, Counsel for Gilat, on May 29, 2001, and requested instructions from Mr. Meltzer for responding to the Advisory Action. Reminders were subsequently forwarded on June 24, 2001, July 12, 2001, August 16, 2001, and August 22, 2001. Mr. Meltzer advised Dr. Mark Friedman not to pursue this matter (date uncertain).
3. Mr. Meltzer did not consult with the appropriate engineering team prior to forwarding instructions to abandon. It was standard practice to obtain instructions from the engineers prior to forwarding instructions for filing a response.
4. Mr. Meltzer submitted his Notice of Resignation from Gilat in September 2001. Mr. Meltzer's left employment of Gilat in November 2001.
5. In June of 2002, Gilat consolidated all patent prosecution in one law firm, Banner & Witcoff, located in the United States. Banner & Witcoff, Ltd was requested to review the prosecution history and correspondence of the instant application. No USPTO documents were located in Applicant's records dated subsequent to the Advisory Action. No Notice of Abandonment was located.
6. As the file history maintained at Gilat was incomplete, a full file history was requested from Dr. Friedman. Upon determining that no Notice of Abandonment was present in Dr. Friedman's files, the full file history was requested from the USPTO, which necessitated the filing of a Revocation and Power of Attorney. This request was made July 26, 2002 after obtaining the requisite Revocation and Power of Attorney.
7. The complete file history was received on August 8, 2002. Upon review of the copy of the US prosecution history from the USPTO, it was determined that no Notice of Abandonment was in the USPTO application file. It is therefore our belief that the USPTO did not mail a Notice of Abandonment in the instant application.
8. Had a Notice of Abandonment been received by the applicant, an immediate determination that the abandonment was a result of a mistake would have been made.